IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1813 OF 2003
IN
SUIT NO.4409 OF 2001

Shabbir Alibhai Bharmal ..Plaintiff

Vs.

Joseph Manuel Travasso and Ors. ..Defendants

Mr.Nitin Raut for the plaintiff

Mr.A.B.Malvankar, Representative of Court Receiver present

CORAM : S.U.KAMDAR, J
DATED : 7TH OCTOBER, 2005

P.C.:

1. The present motion has been taken out for modifiaton by order dt.21.6.02 read with the order dt.6.8.02 seeking permission to carry out repairs. Court Receiver is already appointed. Architect has made report dt.25.2.03 interalia indicating the nature of repair which is required. Court Receiver further says that due to the passage of time situation has worsened due to the heavy rain on 26.7.05. In my opinion, plaintiff who is residing as agent of the Court Receiver cannot reside in the

premises which is not habitable and it is necessary to carry out repairs at the premises. The learned counsel for the plaintiff states that they will cooperate with the Receiver and initially pay to the court receiver the funds as per the estimate given by the Architect as may be required for the purpose of completing the said repairs.

2. Court Receiver is accordingly directed to carry out repairs and make report to the court within 6 months from the date of receipt of this order. If necessary plaintiff will vacate the premises subject to the condition that on completion of repairs he will be put back in possession thereof. Motion disposed of accordingly. No order as to costs.